

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-5 and 7-24 are currently pending.

II. NEW MATTER OBJECTION UNDER 35 U.S.C. 132(a)

The claims were previously amended to recite that "the fixing material does not block the light from entering the substrate through the light input portion". In the Office Action, the Examiner asserts that this recitation is new matter.

The applicants respectfully disagree.

More specifically, as would be understood from the application, light enters a VIPA through a light input portion. For example, in the example embodiment in FIG. 7B, a light input portion is a portion on which the anti-reflective film 12 is formed. See, for example, page 20, lines 14-17, of the specification. See also, for example, the light input portion where anti-reflective film 12 is formed in FIG. 4.

As would be well-understood by a person of ordinary skill in the art, light enters the VIPA through this light input portions. See also prior art FIGS. 1 and 2 which show input light entering the VIPA through a light input portion.

The embodiment in FIGS. 7A and 7B shows a fixing material 20. As can be seen from FIG 7B, the fixing material 20 does not block light from entering the substrate (for example, transparent plate 13 in the embodiment in FIG. 7B). See also the disclosure on page 20, lines 14-18, of the specification.

Accordingly, it is respectfully submitted that the claim recitation is fully supported by, for example, FIG. 7B.

The applicants concede that the specification does not include the specific wording that "the fixing material does not block the light from entering the substrate through the light input portion". However, it is respectfully submitted that it is not required for the specification to include such specific wording. Instead, it is respectfully submitted that the drawings are part of the application, and that it is a well-understood principle that the drawings can be used to provide support for claim recitations.

In view of the above, it is respectfully requested that the Examiner reconsider and withdraw the objection.

III. CLAIMS 1 – 5 AND 7 – 24 ARE REJECTED UNDER 35 U.S.C. 112, FIRST PARAGRAPH AS FAILING TO COMPLY WITH THE WRITTEN DESCRIPTION REQUIREMENT

The comments in Section II, above, also apply herein.

In view of the above, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

IV. CLAIMS 22-24 ARE REJECTED UNDER 35 U.S.C. 112, FIRST PARAGRAPH

The Examiner appears to assert that all elements which are critical or essential to practice of the invention must be recited in the claims. The Examiner cites *In re Mayhew* as support for this assertion. The Examiner appears to assert that first and second reflective films formed on first and second sides of a substrate are critical or essential to practice of the invention, and must be included in the claims.

It is respectfully submitted that the Examiner is incorrect by asserting that all elements that are critical or essential to practice of the invention must be recited in the claims. For example, it is respectfully submitted that *In re Mayhew* simply stands for the principle that the claims must be supported by enabling disclosure. Therefore, it is respectfully submitted that the Examiner is misinterpreting *In re Mayhew*.

Instead, it is respectfully submitted that claims 22-24 are properly drafted to define over the prior art. These claims recite a VIPA. It is respectfully submitted that it is not necessary to recite every element which may be a part of a VIPA.

As an extreme example, a claim may recite a "computer". However, in such a claim, it is respectfully submitted that it is not necessary to recite every element which is a part of the computer and which is critical or essential for the computer to operate. For example, depending on the invention, it may not be necessary to recite a CPU or a bus, although all computers would typically have such elements.

In the Office Action, the Examiner asserts that first and second reflective films formed on first and second sides of a substrate are critical or essential to practice of the invention. The

applicants take no position here as to whether these features are critical or essential to practice the invention, as it is respectfully submitted that such a discussion is not necessary here.

In view of the above, it is respectfully requested that the Examiner reconsider and withdraw the rejection.

V. CLAIMS 1 – 5 AND 7 – 24 ARE OBJECTED TO UNDER 35 USC 112, SECOND PARAGRAPH, AS BEING INDEFINITE

The claims are amended to recite that the fixing material prevents bending of the substrate due to temperature changes. Support for the amendments is found, for example, on page 21, lines 16-23; and page 28, lines 16-19, of the specification.

In view of the above, it is respectfully submitted that the rejection is overcome.

VI. REJECTION OF CLAIMS 22-24 UNDER 35 USC 102(B) AS BEING ANTICIPATED BY OKUMURA ET AL. (U.S. 5,969,902)

Claims 22 and 24 are amended to recite that the fixing material prevents bending of the substrate due to temperature change. Support for the amendments is found, for example, on page 21, lines 16-23; and page 28, lines 16-19, of the specification. Okumura does not disclose or suggest this feature.

Moreover, claims 22 and 24 recite a VIPA. Okumura does not disclose or suggest a VIPA.

In the Office Action, the Examiner concedes that Okumura does not explicitly disclose a VIPA. However, the Examiner appears to indicate that the claims recite the "intended use" of a VIPA. As a result, the Examiner does not appear to give weight to the recitation of a VIPA.

It is respectfully submitted that the Examiner incorrectly asserts that the claims recite the "intended use" of a VIPA. Instead, it is respectfully submitted that the claims specifically recite a VIPA. For example, each of claims 22 and 24 recite "a VIPA" in the body of the claim. This is not the intended use of a VIPA, but a VIPA itself.

In view of the above, it is respectfully submitted that the rejection is overcome.

VII. CLAIMS 1, 5, AND 7-17 ARE REJECTED UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER SHIRASAKI (U.S. 5,930,045) IN VIEW OF SPILLER ET AL. (U.S. 6,134,049) AND OKUMURA ET AL. (U.S. 5,969,902)

Claim 1 is amended to recite that the fixing material prevents bending of the substrate due to temperature change. Support for the amendment is found, for example, on page 21, lines 16-23; and page 28, lines 16-19, of the specification. None of the references, taken individually or in combination, discloses or suggests this feature.

Claim 1 also recites that the fixing material does not block the light from entering the substrate through the light input portion. The other independent claims include similar recitations.

See, for example, in FIGS. 7A and 7B, and the corresponding disclosure on page 20, lines 3-23, of the present application.

For example, as can be seen in FIGS. 7A and 7B, the fixing material 20 does not block the light from entering the substrate 13 through the light input portion 12. See also the disclosure on page 20, lines 3-23, which indicates that, even if the fixing material 20 was opaque, there would be no problems with the optical characteristic of the device.

None of the references, taken individually or in combination, discloses or suggests a fixing material as recited in the amended claim 1.

The above comments are directed to claim 1. However, it is respectfully submitted that the comments would be helpful in understanding various differences of various other claims over the cited references.

In view of the above, it is respectfully submitted that the rejection is overcome.

VIII. CLAIMS 1 – 4 ARE REJECTED UNDER 35 U.S.C. 103(a) AS BEING UNPATENTABLE OVER SHIRASAKI (U.S. 5,930,045) IN VIEW OF FUJII ET AL. (U.S. 5,424,876) AND OKUMURA ET AL. (U.S. 5,969,902)

The comments in Section VII, above, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

IX. REJECTION OF CLAIMS 18 AND 20-21 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER SHIRASAKI (U.S. 5,930,045) IN VIEW OF OKUMURA ET AL. (U.S. 5,969,902)

The comments in Section VII, above, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

X. REJECTION OF CLAIM 19 UNDER 35 USC 103 AS BEING UNPATENTABLE OVER SHIRASAKI (U.S. 5,930,045) IN VIEW OF OKUMURA ET AL. (U.S. 5,969,902) AND FURTHER IN VIEW OF SPILLER ET AL. (U.S. 6,134,049)

The comments in Section VII, above, also apply here, where appropriate.

In view of the above, it is respectfully submitted that the rejection is overcome.

XI. UNACKNOWLEDGED IDS

It is respectfully requested that the Examiner acknowledge the IDS filed December 10, 2004.

XII. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of allowance is earnestly solicited.

If any further fees are required in connection with the filing of this response, please charge such fees to our Deposit Account No. 19-3935.

Respectfully submitted,
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